



TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, March 24, 2017 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Mr. Scott W. Fisher, Chairman
The Honorable John Brieden III
The Honorable Becky Gregory
Ms. MaryLou Mendoza
The Honorable Scott "David" Matthew
Chief Juvenile Justice Probation Officer Pama Hencerling
The Honorable Lisa Jarrett
The Honorable Wes Ritchey
Ms. Candy Noble
Chief Juvenile Justice Probation Officer Edeska Barnes
Mr. Riley Shaw

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
The Honorable Carol Bush

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Eleazar Garcia, Chief Internal Auditor
Jeannette Cantu, Executive Assistant
Jill Mata, General Counsel
Jim Hurley, Director of Communications
Kristy Almager, Director of the Juvenile
Justice Training Academy
Carolyn Beck, Governmental Relations
Specialist

Jim Southwell, Chief Information Officer
Xavier Casares, Interim Chief Inspector General
Luther Taliaferro, Superintendent of Education
Mike Meyer, Chief Financial Officer
Rebecca Walters, Director of Youth Placement & Program
Development
Tushar Desai, Medical Director

Other Guests Present

Debbie Unruh, Office of the
Ombudsman
Beth Anders, TJJD
Denise Askea, TJJD
Michael Turner, TJJD
Josh Bauermeister, TJJD
Ed Cockrell, Jefferson County
Vivian Cohn, TJJD
Karol Davidson, TJJD
Kevin Dubose, TJJD
David Eleazar, Cameron
County

Scott Friedman, TJJD
Kathryn Gray, TJJD
Lesly Jacobs, TJJD
David Guajardo
Diane Laffoon, TJJD
Emilio Mendoza, Cameron
County
Fred Meinke, TJJD
Ken Ming, TJJD
Jenna Reblin, TJJD
Lori Robinson, TJJD

Steve Roman, TJJD
David Sanchez, Cameron
County
Sheri Short, Navarro College
Kaci Singer, TJJD
Jimmy Smith
Luther Taliaferro, TJJD
Shaun Thompson, TJJD
Maria Tissing, TJJD
Tammy Holland, TJJD

Call to order

Chairman Fisher called the meeting to order at 9:06 a.m.

Prayer

Sergeant Matthew Cosper, Office of the Inspector General, opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration and possible approval regarding excused absences

The following board members were absent: Carol Bush and Rene Olvera. Mr. Matthew moved to excuse the absences. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding the January 20, 2017 meeting minutes

Mr. Riley was not present at this meeting and announced he would recuse himself. Judge Ritchey moved to approve the minutes as corrected. Judge Jarrett seconded. The motion passed.

Public Comments

The Chairman recognized Violet F. Russell-Edwards, Chairperson, Community Voices United Addressing Disproportionality [Community], Corpus Christi, Texas who addressed the Board regarding the recent closing of York House, the TJJD half-way house located in Corpus Christi. Acknowledging that it was not feasible to re-open the facility, she requested that the Board engage in dialogue with the group she represented to deal with the impact of the closing on Corpus Christi.

Chairman Fisher expressed the Board's appreciation to Ms. Russell-Edwards for her testimony and support of the halfway house throughout the many years it was open.

Report from the Chairman

Chairman Fisher recognized three board members whose terms have expired: Becky Gregory, John Brieden and Riley Shaw and thanked them for their service and the incredible contributions each made as a member of the Board. Judge Brieden said it had been an honor to serve and expressed appreciation to Board members and staff "for what they have done for the children of Texas. "The agency had made great strides." Even though he will no longer be on the Board, he asked "to be called on at any time when his assistance is needed. "

Ms. Gregory expressed her admiration and dedication to TJJD staff, adding "I wish the citizens of Texas knew of the great work being done at TJJD."

The Chairman reviewed the application process to fill the position of the Inspector General, one of three direct reports to the Board. From a pool of sixty applicants, a Board subcommittee interviewed eleven very impressive applicants and recommended four finalists for interview by the full Board. By a unanimous decision, Mr. Forrest Mitchell was selected to fill the position. Chairman Fisher recognized the tremendous assistance of Royce Myers, Director of Human Resources, and the Executive staff during the selection process.

Chairman Fisher expressed his deep appreciation and respect for Commander Xavier Casares, who was appointed as Interim Inspector General during the hiring process. The Chairman added that the hiring decision, which was very close, was between the chosen applicant and Commander Casares. Addressing Commander Casares, Chairman Fisher said that the final choice was "a very, very difficult and heart-rending decision for us. We as a board have been really impressed with your service and the way you handled the position during the interim and your work during the last four years." The Chairman led the audience in applauding the work of Commander Casares.

Chairman Fisher reviewed discussions with members of the legislature since the January meeting. "We are in the throes of a pretty intense session," especially in terms of funds available for state agency operations and "our [executive] team is doing an amazing job." He complimented Mike Meyer on his efforts and expertise in working with legislators and their staff during the appropriations process. He recognized David Reilly and his work toward accomplishing the legislative goals of regionalization.

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Report from the Executive Director

Mr. Reilly acknowledged Ms. Hencerling and her appearance before the Senate Nominations Committee and expressed thanks to the three members of the board whose terms have ended.

Regarding the current session, Mr. Reilly noted that the budgeting/finance committees of both houses “have extremely ambitious budget reduction targets which does not bode well for our extensive exceptional items requests. . . this is likely not going to be the session in which we see significant resource gains.” He added that members of the executive staff have met with a number of legislators. As the session progresses, the goals for the session, given the fiscal climate, are to maintain probation funding, obtain funding to address IT needs and deferred maintenance, and address the disparities in compensation.

Mr. Reilly updated the Board on the modification of the school schedule, implemented in August 2016, to improve campus safety and improved education outcomes. The changes lowered the number of kids in school and in class at any one time and created schedules that were most conducive to the demands on their time. The results, after one semester, are encouraging: decreases in the metrics for campus safety, including security admissions overall, referrals to Responsibility Centers, and security admissions from dorms. In addition, there were decreases in incidents and assaults. In the area of education, credits earned increased by 59.8 percent. Judge Brieden mentioned comments by legislators who thought that youth were spending less time in school.” Mr. Reilly responded that TJJD is subject to the same requirements put forth by the Texas Education Agency (TEA) as other public schools, but added that “we continue to tweak the schedule,” to meet TEA requirements. Initially, Mr. Reilly noted, TJJD teachers had misgivings about the new model, but now accept it, “because it means they can spend more time teaching.”

In regard to the closure of the York Halfway House, Mr. Reilly said the agency had considered the closure for several months because of its low population, but hesitated because of its use as a “step-down” resource. “We reviewed the historic data regarding utilization and after comparing it to other facilities, the decision was clear.” The current fiscal condition of the agency added weight to the decision. Mr. Reilly recognized the strong, diligent leadership of June Wilson and the work of each employee. All residents went home or to other half-way house facilities.

Recently, the agency hosted the fourth site visit for a workshop on the Youth in Practices Custody Model (YICPM). About sixty participants from TJJD facilities across the state attended the two-day event. “I was struck by the high level of participation, thoughtful comments and commitment” which will serve as a roadmap for our state facilities as the agency moves forward. TJJD staff should be proud that the agency has a model demonstrating the very best in the country.

Mr. Reilly reported on the Regionalization/Diversion Application initiative. During the first half of the fiscal year (September, 2017-February, 2017) counties submitted 149 applications for youth placement and 94 were approved. Of the 94, 89 youth have been approved for diversion. Of those juveniles, 14 were successfully released to their communities, nine are in aftercare services, two have been released

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from probation, the departments have not enrolled two youth in identified aftercare, and one youth has been returned to detention on a new charge.

Mr. Reilly concluded his report by highlighting the El Paso County Juvenile Drug Court, which was acknowledged as a case example in the Office of Juvenile Justice Delinquency Prevention Brief on Family Engagement in Juvenile Drug Treatment Courts.

Discussion regarding the TJJD population and commitment trends

Chairman Fisher recognized Rebecca Walters, Senior Director of Youth Placement, Re-entry and Program Development, to discuss TJJD population and commitment trends. Referring members to charts in their board books, she noted that commitments from September - January are down from 344 to 279 for the same period in 2016, a decrease of 19%. The number of revocations also decreased, but there was an increase in January. Generally, around 15 youth face revocation per month. Board members discussed the usefulness of diversion funds for counties who have fewer funds locally to provide needed services.

Report from the Advisory Council on Juvenile Services

Doug Vance, Advisory Council Chair thanked the departing board members for their service and then summarized the topics from the last meeting of the Council held on January 25, 2017.

Legislative and Appropriations Update

Carolyn Beck updated the board on legislative activities, highlighting bills that could have significant impact on the agency programs and county juvenile departments, including changes in sex offender registration for juveniles, juvenile records, age of criminal responsibility, judicial proceedings, age at which youth could be committed to TJJD, Juvenile Justice Alternative Education Program (JJAEP) vis-à-vis charter schools and information sharing between TJJD and the Department of Family and Protective Services. Other bills affect agency employee benefits such as retirement and overtime.

Mr. Meyer reported on the appropriations and finance activities related to the agency's 2018-2019 funding request and the request for supplemental appropriations for 2017. Since the last board meeting, the agency reconsidered and reprioritized exceptional items in light of the introduced appropriations bills, and received guidance from the Legislative Budget Board on tabulating FTEs in the agency's request. As a result, staff revised the request for exceptional items downward to \$118.4 million and 394 FTEs. Agency staff met with House and Senate budget subcommittees where most discussion concerned youth programming and outcomes, the cost of residential and central office operations and the severe fiscal constraints on the state budget. Mr. Reilly testified before both full committees. The House Appropriations Committee reduced the agency appropriation by \$12.1 million in response to

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updated population projections, primarily in the area of State Aid with an \$8.9 million reduction. Several rider requests were adopted, but requests for Information Technology, deferred maintenance and compensation were placed in Article XI (wish lists for state agencies).

Based on June 2016 population projects by the Legislative Budget Board (LBB), the agency estimated a shortfall of approximately \$9.74 million dollars for FY 2017. Subsequent calculations through January reduced the amount to \$4.5 to \$4.6 million and include planned operational adjustments, across-the-board operating reductions and targeted reductions. Despite reducing the request by five million dollars, the TJJD supplemental request did not appear in the introduced version of either the Senate or House supplemental appropriations bill. However, TJJD staff worked with legislators, especially on the House side, with hopes of being added to one or both bills, and was added to the House committee substitute version. In addition to operating needs, a provision was added for capital repair and rehabilitation projects. In total, direct appropriations to TJJD in the House supplemental appropriations bill were \$20.8 million.

In response to a question from Chairman Fisher regarding the response of legislators when the funding of the agency is discussed, Mr. Meyer said that there is an increased openness and willingness to consider agency needs; however, every state agency is facing the same scenario of serious decreases in funding. Chairman Fisher said his interactions with legislators were similar. Mr. Meyer concluded his remarks by clarifying that the supplemental appropriation bill can include funding for the current year and the 2018-2019 biennium. In addition to the items previously mentioned there is a \$50 million dollar appropriation to the Department of Information Resources (DIR); a portion of this funding could be granted to TJJD, since the agency is high of the list of agencies that need funding. Unfortunately, this may not address the agency's legacy software needs. The source of funds for all of the items in the House version of the supplemental appropriation bill is the State's "rainy day fund" (e.g., Economic Stabilization Fund) which makes those items "more vulnerable" because some legislators have historically opposed to the use of this source for ongoing operational needs or other purposes. Judge Brieden observed that the shortfalls could be attributed to the methodology of the legislature in predicting youth population estimates entering the secure facilities since that is the reason for the present shortfall.

Report from the Interim Inspector General

Mr. Casares thanked the board members whose terms are ending for their service to the agency. He highlighted statistics from the following Summary Indicators: Analytics, Intelligence & Reporting showed a ten percent increase in the number of incidents received by OIG, which can be attributed to increase awareness of outreach by OIG. Referrals to the State Programs & Facilities Division began in FY 2017 so that is the reason for zero referrals in FY 2016. For Security Intelligence (i.e., Gang Unit), evaluations of youth and number of staff trained were down due to staff vacancies, but positions have now been filled. Evaluations revealed that 21 percent of youth in secure facilities were confirmed as gang members; a decrease from 23 percent in FY 2016. Responding to a question from Judge Brieden, Mr. Casares confirmed that at some facilities, the gang affiliation is much higher, as in Evins, where the percentage is around 50 percent. Criminal investigations related to assault increased about 20 percent from the same period in FY 2016. Both Directives to Apprehend and Apprehensions increased (six

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percent and 26 percent, respectively). Use of force reviews also increased from 300 to 370 between the two fiscal years. Slightly more investigations were closed (i.e., no further investigation needed).

Report from the Administrative Investigations Division

Chairman Fisher recognized Kevin Dubose who summarized the county Administrative Investigations report which compares information for the first five months of FY 2016 and FY 2017. Fewer ANE investigations were received, but the total number of grievance investigations received was significantly higher. Affirmative findings also decreased. Days to disposition remained unchanged. Cases are being closed quicker; no FY 2016 cases remain open and fewer cases are open for FY 2017. Sexual abuse-contact allegations increased slightly; however, a closer examination of the cases revealed that 16 of the 19 cases have been closed with no allegations affirmed. A small number of sexual abuse – non-contact (e.g., voyeurism, exposure, sexually explicit conversations, inappropriate staff-to-you communication) allegations have been affirmed, but there has been no “clustering” of cases in one county. Mr. Dubose attributed the low number of cases to the enhancement of the PREA process provided to youth when they enter the system.

Mr. Barnes asked about the investigations process. Mr. Dubose explained that there could be as many as three investigations per allegation conducted by the county, TJJD, and local law enforcement for possible criminal acts. TJJD may also conduct a criminal investigation if local law enforcement does not have the resources to undertake a criminal investigation. Mr. Barnes expressed appreciation for the quick action of TJJD investigators in notifying county officials since they are required to pass on such information to their juvenile board. Mr. DuBose attributed the quick response time to a full staff and the support of the general counsel and deputy general counsel.

Mr. Dubose attributed the increase in some categories of serious incidents to greater awareness by youth as a result of PREA orientation and a broader interpretation of youth-on-youth sexual conduct. Mr. Shaw requested a more specific breakdown in this category be added to the AID board report. Chairman Fisher concurred, adding it would lessen the negative assumptions about what is included. Since the category attempted suicides include a range of behaviors from those that are less serious to those of very intentional actions, Judge Brieden suggested that a category for actual suicides be included in the report to offset the high numbers reported on attempted suicides. Mr. Barnes added that youth whose suicide attempts are limited to a verbal statement are quite high in county facilities. There are many steps in place to identify and counter them.

Mr. Dubose summarized state investigation statistics for the same five month period. Performance in most categories improved in FY 2017 emphasizing that multiple investigations can be opened in a single case. In response to a question from Ms. Mendoza, Mr. Dubose said that most abuse cases involved use-of-force (restraints) by JCOs in TJJD secure facilities and while the information on disposition is not included in the board report, it can be provided.

Cameron County Juvenile Probation Department Program Review

Officials of the Amador Mador Rodriguez Boot Camp and Education Center (Center), located in Cameron, presented an overview of its purpose and programs. Unlike the stereotype associated with boot camps, the Center is a post-adjudication, secure facility that focuses on keeping its cadets close to home during their rehabilitation and developing vocational skills. In 2008 cadets built the first home for a family needing housing in a neighboring county and Cameron County and the City of Brownsville joined in partnership to support the Center. Cadets must earn the right to participate in the construction of houses which continue to go to those in need of affordable housing. Since 2008 eleven homes have been completed and six cadets are in college.

Report from the Chief Financial Officer

Chairman Fisher recognized Mike Meyer who first summarized the agency's second quarter financial report. State residential population continued to exceed projections, though to a lesser degree than in the first quarter. The agency has expended about 54 percent of its budget, or just under 52 percent when excluding probation activities. Mr. Meyer said that "it is difficult to gauge the agency's fiscal condition," using the report because some expenses, such as probation grants and workers compensation, are front-loaded, and while other costs such as health and psychiatric services lag by a month or more. Exacerbating the shortage has been the appropriation for State Programs and Facilities based on population projections by the Legislative Budget Board (LBB). While population in TJJD facilities has increased by about ten percent, contract care facilities have been underutilized by almost one-third because there are not enough beds appropriated and/or there are not enough contract options. Compounding the problem is that the agency was under-funded on a per-bed basis, which makes it impossible to meet its bed targets in this area.

The fact that the elevated residual population is located in secure facilities is the main driver in the operational shortfall, primarily in JCO salaries and overtime. Mr. Meyer referenced a board hand-out which indicated that in all secure facilities spending is faster than anticipated based on available funds, but especially in overtime. In spite of staying within the appropriated amount in other areas of the agency budget, the deficit is insurmountable and a supplemental appropriation is crucial.

Acknowledgement of a gift from Charlene and Sheldon Ledbetter

Mr. Meyer explained the donation of electronic equipment from Charlene and Sheldon Ledbetter to Gainesville State School, including a studio USB microphone, two Shure wireless microphones, and microphone covers/screens, with an estimated value greater than \$500. Mrs. Noble moved to acknowledge the donation and formally accept this generous gift in support of TJJD. Judge Brieden seconded the motion. The motion passed.

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Acknowledgement of a gift from Dwayne Washington

Mr. Meyer explained the donation of acoustic sound proofing cushions, with an estimated value greater than \$500, from Pastor Dwayne Washington, as part of a multi-media program. Judge Jarrett moved to acknowledge the donation and formally accept this generous gift in support of TJJD. Ms. Hencerling seconded the motion. The motion passed.

Discussion, consideration and possible approval regarding execution of a copier services contract

The Chairman recognized Ken Ming who stated the current copier contract expires March 31, 2017 and because the amount will exceed \$300,000, the executive director determined that board approval is required. TJJD prepared a Request for Proposal (RFP) and solicited proposals from 13 name brand companies currently under contract with the Department of Information Resources (DIR), eight of whom responded. The evaluation and selection process is currently underway, but the contract is not expected to exceed \$356,000, for a total of \$1,780,000 for a five year term; the cost may be lower once final selection is made and negotiations are complete. Mr. Ming believes the agency will realize savings comparable to the current cost. Mr. Matthew moved to authorize the staff to award a five-year lease agreement using DIR contract for these services to the vendor selected as providing the best value to the agency. Ms. Mendoza seconded the motion. The motion passed.

Report from State Programs and Facilities

The Chairman recognized Mike Turner, substituting for Teresa Stroud, who was unable to be present due to illness. Mr. Turner reported that as of February 23, the youth population in secure facilities was 1,011, a 9.5 percent increase over the 923 youth budgeted for. TJJD is heavily engaged in a review of programming and enhancements based on the Youth in Custody Program Model (YICPM). Staff located at the facilities are involved in self-assessments of all of the services provided. There is a strong effort to streamline so that staff can spend more time with youth. Using the computers, tablets, cell phones and internet applications such as FaceTime, Skype, etc., the ability to engage families who are unable to physically visit facilities has made a tremendous improvement in that families are now more likely to see staff as allies. Cost effective steps are being taken to improve physical environment of the spaces used by youth, including a wall mural painted by residents in the Mart Violent Offender Program.

Youth in the PAWS program have begun to witness positive effects that their animals have made in the lives of their new “owners” from assistance the dogs provide. The program will expand to Giddings in the coming months. Work has begun on developing an equine therapy program at Gainesville.

Mr. Turner discussed the closing of York House, adding that 146 beds were routinely filled out of a total of 196 beds provided in TJJD halfway houses. He outlined efforts made to assist York House employees to transfer to open positions at other TJJD facilities. These employees will be given preferential treatment if they apply for another TJJD position within one year.

Mr. Turner summarized findings on workers' compensation claims and costs for the agency for January prepared by the Office of Risk Management. The 2017 Injury Frequency Rate, 15.96, declined from 21.35 for the same period in 2016. Total expenditures decreased by 22 percent while the cost per FTE dropped almost 30 percent. A board member asked why the figures had dropped. Mr. Turner responded that it could be attributed to a variety of factors, including the change to the block school schedule discussed earlier by Mr. Reilly. Chairman Fisher added that the costs in previous years were a major issue and lowering these costs through specific strategies has been a priority for several years.

Internal Audit follow-up report

The Chairman recognized Eleazar Garcia who said that follow-up on audit recommendations is an ongoing process requiring assessment of management responses and actions. TJJD utilizes ®CCH TeamMate TeamCentral, to track and report on the status of audit recommendations and/or to adjust implementation dates. This report includes review of 64 recommendations for twenty one audits, including 19 internal audits and two external audits from the State Auditor's Office (SAO). Of the 64 recommendations designated as implemented by management, 40 were closed as part of the audit verification process.

Internal Audit status of projects

Mr. Garcia summarized the quarterly status report, which is generally discussed in the committee meeting, but was included as a board item because there was no committee meeting.

Report from the Chief Information Officer

The Chairman recognized Jim Southwell who in turn, introduced Beth Anders, the new deputy chief information officer. Ms. Anders has many years of technology experienced in state government, most recently with the Department of Aging and Disability Services (DADS). She has been given oversight responsibility over several IT departments, but is also sharing oversight of the division with Mr. Southwell.

In discussing the efforts of IT, OIG and State Programs to establish reliable radio operability among TJJD facilities and the central office, Mr. Southwell noted a cost savings of about \$12,000 per month - \$100,000 thus far - as a result of implementing an improved distribution system for the hand held radios, thereby reducing the number of radios required for each facility. The result has been fewer broken radios and fewer repairs. Additionally, training staff and acquiring a few tools now allows TJJD to repair radios in-house.

Another area of success has been the results of the annual test by the Department of Information Resources (DIR) to determine weaknesses in the agency internet system that could allow penetration by outside sources with the goal of controlling internet facing network resources and/or obtaining access to proprietary resources. DIR discovered a number of minor deficiencies which IT corrected, but achieved neither objective. Mr. Southwell added that agency internet system security is continually vulnerable due to the dynamic nature of technology.

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In response to a question from Chairman Fisher, Mr. Southwell summarized a meeting requested by Rep. Giovanni Capriglione that included Mr. Reilly and Mr. Meyer regarding the agency appropriation request to address sorely needed IT software and hardware updates. The agency is near the top of a list developed by DIR in terms of need. At the request of Rep. Capriglione, the request for IT funding was revised and the amount requested was reduced.

Appointments to the Advisory Council for Juvenile Services

Chairman Fisher provided background on the advisory council, adding that he asked Mr. Matthew, Mr. Barnes and Ms. Hencerling, who are each chief county probation officers to review and recommend nominations for officer open positions. Mr. Matthew moved to recommend and approve the appointments as listed in the resolution. Ms. Noble seconded the motion. The motion passed.

Discussion Regarding the Family Survey

The Chairman recognized Tammy Holland who stated that an annual satisfaction survey is made available to family members of youth in TJJD. Families are invited to give feedback based on their perception of how services are being provided to their youth in the areas of education, case management and treatment, medical care, safety and security, youth rights, religious freedom, and family liaison support. Results of the survey are used as benchmarks for setting department goals and measuring customer service. In 2016, the agency nearly doubled the number of families who participated in the annual satisfaction survey. A total of 457 surveys were submitted and all areas except one showed a positive increase in the satisfaction ratings. Ms. Holland summarized the overall satisfaction ratings of the twelve evaluative questions among those who responded for secure facilities, halfway houses, and residential contract placements.

Agreed Orders related to Disciplinary Cases of Certified Juvenile Probation Officers

The Chairman recognized Kaci Singer and Jenna Reblin to present the following cases.

1. Edwin Bailey, Certification No. 28084, 17-28084-160124 (Harris)
2. Don Barfield, Certification No. 30319, 17-30319-160066 (Hood)
3. Leonard Garcia, Certification No. 10107, 17-10107-160408 (Nueces)
4. Christopher Madrid, Certification No. 31230, 17-31230 (Randall)
5. Laura Rosas, Certification No. 16564, 16-16564-150247 (Bexar)
6. Christopher Tolson, Certification No. 30533, 16-30533-160222 (Harris)

Judge Brieden questioned the terms of the order recommended for Edwin Bailey, saying that it was disproportionate to terms recommended for similar cases. There was discussion between staff and board members regarding the impact of mitigating factors in determining the terms. Officers are trained to be prepared and how to respond to violent behavior on the part of youth. A board member asked why some of the cases presented were over a year old. Ms. Singer explained that cases begin with an investigation of a complaint, which has to be completed before the case is turned over to the Office of General Counsel (OGC) to review and recommend the terms of the order. Until recently, there was a significant backlog of cases awaiting investigation. After the case reaches OGC, there is a twenty day window in which the officer may ask for a review of the investigation, which is assigned to one attorney

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who processes all appeals. When the appeal process is completed, the case begins another administrative process where the details of the investigation are reviewed to determine the recommended terms of the order. Officers may also request a hearing at the State Office of Administrative Hearings (SOAH), which adds several months of additional time.

Mr. Ritchey moved to approve the agreed order for Edwin Bailey, Certification No. 28084, 17-28084-160124 (Harris). Ms. Noble seconded the motion. There being seven members voting aye, three members voting no and one member abstaining, the motion passed.

Ms. Hencerling moved to approve the agreed order for the following officers: Don Barfield, Certification No. 30319, 17-30319-160066 (Hood); Leonard Garcia, Certification No. 10107, 17-10107-160408 (Nueces); and Christopher Madrid, Certification No. 31230, 17-31230 (Randall). Ms. Mendoza seconded the motion. There being eleven members voting aye and no members voting no, the motion passed.

Judge Brieden moved to approve the agreed order for Laura Rosas, Certification No. 16564, 16-16564-150247 (Bexar). Mr. Ritchey seconded the motion. There being ten members voting aye, no members voting no and one member abstaining, the motion passed.

Judge Jarrett moved to approve the agreed order for Christopher Tolson, Certification No. 30533, 16-30533-160222 (Harris). There being ten members voting aye and no members voting no, the motion passed.

Default Orders related to Disciplinary Cases of Certified Juvenile Probation Officers

The Chairman recognized Kaci Singer, who explained that default orders are investigated, reviewed and terms are determined in the same way as agreed orders; however, these officers have not responded to notifications within the required deadlines. The recommended terms that were present in the petition are what are presented to the Board for approval.

1. Ezekiel Andrews, Certification No. 30239, 17-30239-160103 (Bexar)
2. Juan Bryand, Certification No. 12900, 17-12900-160331 (Webb)
3. Matthew Galan, Certification No. 28504, 17-1428504 (Midland)
4. Catherine Houston, Certification No. 31117, 17-31117 (Randall)
5. Antonio Martinez, Jr., Certification No. 26497, 17-26497 (Bexar)
6. Cody Pitcock, Certification No. 29858, 17-29858-160220 (Hood)
7. Brandon Lee Salinas, Certification No. 30604, 17-30604-160363 (Cameron)
8. Dalton Zumach, Certification No. 30312, 16-30312-160088-160244 (Hood)

Mr. Shaw moved to approve the default orders of the following officers: Ezekiel Andrews, Certification No. 30239, 17-30239-160103 (Bexar) and Antonio Martinez, Jr., Certification No. 26497, 17-26497 (Bexar). Mr. Matthew seconded the motion. Ten members voted aye and one member abstained. The motion passed.

Mr. Ritchey made a motion to approve the default orders of the following officers: Juan Bryand, Certification No. 12900, 17-12900-160331 (Webb); Matthew Galan, Certification No. 28504, 17-1428504 (Midland) ; Catherine Houston, Certification No. 31117, 17-31117 (Randall); Cody Pitcock, Certification No. 29858, 17-29858-160220 (Hood) Brandon Lee Salinas, Certification No. 30604, 17-30604-160363 (Cameron); and Dalton Zumach, Certification No. 30312, 16-30312-160088-160244 (Hood). Mr. Matthew seconded the motion. Eleven members voted aye. The motion passed.

Revisions to 37 TAC Chapter 344 (Employment, Certification, and Training) and related changes to certain rules within Chapter 341 (General Standards for Juvenile Probation Departments), Chapter 343 (Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities), and Chapter 355 (Non-Secure Correctional Facilities).

The Chairman recognized Kristy Almager who explained that TJJD staff and the TJJD Advisory Council Standards Committee jointly reviewed Texas Administrative Code Chapter 344, Employment, Certification and Training and are recommending revisions to the Chapter that include the repeal or amendment of existing standards, and addition of new standards. This review resulted in conforming changes in Chapter 341, General Standards for Juvenile Probation Departments, Chapter 343 (Secure Facilities, and Chapter 355, Non-Secure Facilities).

Judge Jarrett moved to approve the resolution to publish proposed changes to 37 TAC Chapter 344 (Employment, Certification, and Training) and related changes to certain rules within Chapter 341 (General Standards for Juvenile Probation Departments), Chapter 343 (Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities), and Chapter 355 (Non-Secure Correctional Facilities) in the *Texas Register* for a 30-day comment period. Mr. Shaw seconded the motion. The motion passed.

Chairman Fisher called for recess so the board could convene in closed session at 12:29am.

Closed Session – Executive Session

- a. §551.071 Consultation with attorney (see footnote)
- b. §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
- c. §551.074 Discussion regarding personnel matters relating to possible selection of Chief Inspector General

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

The board reconvened in open session at 12:42p.m.

Adjourn

The Chairman adjourned the meeting at 12:42p.m.

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